

Message Text

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ACTION SS-25

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R 110901Z AUG 73

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TO SECSTATE WASHDC 5339

INFO AMEMBASSY BANGKOK

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USSAG NKP

S E C R E T VIENTIANE 5601

EXDIS

E.O. 11652: GDS

TAGS: PFOR, PGOV, PINT, MOPS, LA

SUBJECT: LAO NEGOTIATIONS: PHENG EXTRACTS FROM

PHOUMI IMPROVEMENTS IN DRAFT PROTOCOL

IMPORTANT TO USG. AUG 15 REMAINS GOAL

FOR SIGNING CEREMONY.

SUMMARY. PHENG, WHOM I SAW AUG 11, STATES THAT PHOUMI AND HE WILL MEET WITH SOUVANNA ON AUG 13 TO IRON OUT REMAINING OBSTACLES AND, BARRING UNFORSEEN EVENTS, PROTOCOL SHOULD BE SIGNED AUG 15. PHOUMI MADE A NUMBER OF ADDITIONAL CONCESSIONS IN WORKING OF DRAFT PROTOCOL WHICH SHOULD BE PARTICULARLY WELCOMED BY USG. END SUMMARY.

1. PHENG TOLD ME, AUG 11, THAT YESTERDAY WAS DAY OF CONSIDERABLE POLITICAL ACTIVITY IN VIENTIANE IN WHICH BOTH LAO SIDES FURTHER NARROWED THEIR DIFFERENCES AND PREPARED DRAFT PROTOCOL TO BE TAKEN TO PRIME MINISTER NEXT MONDAY (AUG 13) FOR FINAL ARBITRATION. APPARENTLY STIMULATED BY MY CONVERSATION WITH HIM AUG 9, PHENG SETTLED WITH PHOUMI AUG 10 A NUMBER OF ISSUES PARTICULARLY MEANINGFUL TO USG. SPECIFICALLY:

A. RE INTRODUCTION OF MILITARY EQUIPMENT: PROTOCOL
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(ART. 16) WILL STATE THAT THE PROVISIONAL GOVERNMENT OF NATIONAL UNION (TO BE ESTABLISHED BY THIS PROTOCOL) AND THE PERMANENT GOVERNMENT (WHICH WILL BE FORMED AFTER HOLDING OF GENERAL ELECTIONS IN SOME UNSPECIFIED

FUTURE) MUST STRICTLY IMPLEMENT "UPON AGREEMENT BY BOTH PARTIES" THE PROVISIONS OF THE 1954 AND 1962 GENEVA AGREEMENTS WHICH PROHIBIT BRINGING INTO LAOS FOREIGN MILITARY PERSONNEL, WEAPONS AND WAR MATERIALS. TO BEST MY KNOWLEDGE, THIS ONLY REFERENCE TO INTRODUCTION OF WAR MATERIALS IN THIS PROTOCOL AND IF THIS IS THE CASE, WHOULD BE IMPROVEMENT OVER AMBIGUOUS LANGUAGE IN FEBRUARY VIENTIANE AGREEMENT.

B. CRASH SITES: PHENG WAS VERY PROUD OF HIMSELF WHEN HE SAID PHOUMI HAD AGREED TO INCLUDE A DISCREET REFERENCE TO CRASH SITES IN PROTOCOL. THE PARAGRAPH DEALING WITH MIAS WILL STATE THAT EACH SIDE MUST REPORT TO THE JCIA AS SOON AS POSSIBLE INFORMATION COLLECTED CONCERNING MIAS OF ALL NATIONALITIES "AS WELL AS INFORMATION ON THE SITES WHERE PLANES CRASHED". WHILE THIS PROVISION DOES NOT YET PERMIT CRASH SITE INSPECTIONS, IT IS A STEP TOWARD IDENTIFYING THE SITES AND PERHAPS WE CAN BUILD ON THIS REFERENCE IN LATER DEALINGS WITH THE NEW GOVERNMENT.

C. RETENTION OF SOME MILITARY IN LAOS: PHENG SAID ARTICLE 15 HAS BEEN ALTERED TO PERMIT A LIMITED NUMBER OF FOREIGN MILITARY TO REMAIN IN LAOS IF AUTHORIZED BY LAO GOVT. IN CONNECTION WITH PROVISION CALLING FOR THE TOTAL WITHDRAWAL OF FOREIGN TROOPS AND MILITARY PERSONNEL, INCLUDING "THOSE MILITARY

PERSONNEL HIDING IN ANY FOREIGN EMBASSY AND CONSULATE IN LAOS" (ART. 15 A), PROTOCOL PERMITS PRESENCE IN LAOS OF THOSE "MILITARY WHO ARE LISTED BY THE EMBASSY AND ARE RECOGNIZED BY THE HOST GOVERNMENT". THIS, PHENG SAID, WAS INTRODUCED INTO PROTOCOL AS DIRECT RESULT OF OUR NEGOTIATIONS WITH PRIME MINISTER THESE LAST DAYS AND WOULD PERMIT MILITARY PERSONNEL WHOSE NAMES ARE TRANSMITTED BY U.S. EMBASSY TO RLG AS PART OF ITS ARMED FORCES
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ATTACHE OFFICE TO FUNCTION OPENLY.

D. USG ECONOMIC ASSISTANCE: ARTICLE 26 IN DRAFT PROTOCOL WHICH CALLED FOR THE ESTABLISHMENT OF A JOINT LAO GROUP TO DISCUSS WITH REPS OF USG POST-WAR RECONSTRUCTION AID TO LAOS HAS BEEN DELETED. THIS MEANS NO RPT NO REFERENCE IS MADE TO USG ANYWHERE IN PROTOCOL.

2. THREE STICKING POINTS IN PROTOCOL WHICH WILL PROBABLY HAVE TO BE RESOLVED BY SOUVANNA HIMSELF ARE: (A) NUMBER OF STAKES TO BE EMPLACED AT "HOT POINTS" BETWEEN 2 ARMIES; (B) PRECISE ROLE

OF JOINT RLG-LPF POLICE FORCE IN VIENTIANE AND LUANG
PRABANG; (C) EXTENT OF FAR WITHDRAWALS FROM CAPITAL.
PHENG CONCLUDED THAT ON AUG 10 SOUVANNA APPEARED
WILLING TO ARBITRATE THESE DIFFERENCES AND UNLESS
SOMETHING UNFORESEEN HAPPENS, PHENG REMAINS
CONFIDENT THAT PROTOCOL WILL BE SIGNED AUG 15.
DEAN

SECRET

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